## REMARKS

The Applicants have filed the present Response in reply to the outstanding Final Official Action of November 8, 2005, and the Applicants believe the Response to be fully responsive to the Final Official Action for the reasons set forth below in greater detail.

At the onset, Applicants would like to thank the Examiner for indicating that Claims 8-11 have allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the rejected base claim and any intervening claims. Accordingly, Claims 8-11 have been rewritten in independent form including all of the limitations of the rejected base claims. Specifically, Claim 8 has been rewritten to include the limitations of independent Claim 1 and dependent Claim 8.
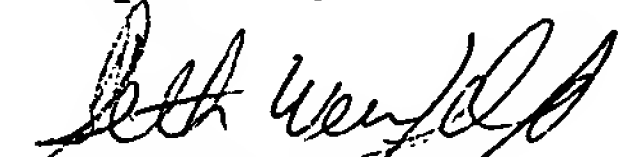
Claims 1-7 have been cancelled herewith without any prejudice for reintroduction in this or a later related application. Applicants maintain that Claims 1-7 are patentably distinct from the cited references. For example, Hoo does not teach dynamically assigning sub-carrier groups based upon priority and data rate as recited in Claim 1. Additionally, Applicants submit that different QoS does not necessarily or inherently mean different priorities and bit rates. In fact, QoS is measured in dbs or noise levels.

For all the foregoing reasons, the Applicants respectfully request the Examiner to withdraw the objection to Claims 8-11.

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the

Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at

the following telephone number: (516) 742-4343.

Respectfully submitted,

Seth Weinfeld, Esq.
Registration No: 50,929

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

SW:ae